

**MELLINGER, SANDERS & KARTZMAN, LLC**

101 Gibraltar Drive, Suite 2F

Morris Plains, New Jersey 07950

Joseph R. Zapata, Jr., Esq.

Tel. (973) 267-0220

*Attorneys for The Provident Bank*



Order Filed on August 14, 2018  
by Clerk U.S. Bankruptcy Court  
District of New Jersey

In re:

**MIKE CHERY,**

Debtor.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Case No. 18-23463 (JKS)

Chapter 13

Honorable John K. Sherwood

**ORDER (I) FINDING DEBTOR INELIGIBLE TO BE A DEBTOR  
PURSUANT TO 11 U.S.C. § 109(g)(1); (II) CONFIRMING THAT NO STAY  
IS IN EFFECT PURSUANT TO 11 U.S.C. § 362(c)(4)(a); AND (III) GRANTING  
PROSPECTIVE RELIEF PURSUANT TO 11 U.S.C. § 362(d)(4)**

The relief set forth on the following page numbered two is hereby **ORDERED**.

**DATED: August 14, 2018**

A handwritten signature in dark ink, appearing to read "JK Sherwood", written over a horizontal line.

Honorable John K. Sherwood  
United States Bankruptcy Court

Page 2 of 3

Debtor: Mike Chery

Case No.: 18-23463 (JKS)

Caption: Order (I) Finding Debtor Ineligible to Be a Debtor Pursuant to 11 U.S.C. § 109(g)(1); (II) Confirming That No Stay is in Effect Pursuant to 11 U.S.C. § 362(c)(4)(A); and (III) Granting Prospective Relief Pursuant to 11 U.S.C. § 362(d)(4)

---

This matter having been brought before the Court by motion of The Provident Bank (“Provident”), by and through counsel, Mellinger, Sanders & Kartzman, LLC, for: (i) for a determination pursuant to 11 U.S.C. § 109(g)(1) that the debtor is ineligible to be a debtor; (ii) for entry of an order confirming that no stay is in effect pursuant to 11 U.S.C. § 362(c)(4)(a); and (iii) for prospective relief pursuant to 11 U.S.C. § 362(d)(4) (the “Motion”); and it appearing that notice of the Motion has been duly served upon the parties concerned; and the Court having considered the pleadings in support of the Motion; and the Court having considered opposition to the Motion, if any; and good and sufficient cause existing for entering the within Order; it is hereby,

**ORDERED AS FOLLOWS:**

1. The Court finds that the Debtor is ineligible to be a debtor under title 11 of the United States Code for a period of 180 days following the dismissal of the Debtor’s prior case, Case No. 18-17548, on May 21, 2018. As the Debtor filed his present bankruptcy case with such 180 day period, the Debtor’s bankruptcy case be, and is hereby, dismissed.

2. The Court confirms that pursuant to 11 U.S.C. § 362(c)(4)(A), a stay did not go in effect upon the filing of the Debtor’s case and that there is no stay in effect as of the date of this Order.

3. Provident shall be, and is hereby, granted prospective *in rem* relief from the automatic stay against the Property for a period of 180 days from the date of the entry of this Order. Said relief shall apply in any bankruptcy case filed within the 180 day period, regardless of the identity of the debtor.

Page 3 of 3

Debtor: Mike Chery

Case No.: 18-23463 (JKS)

Caption: Order (I) Finding Debtor Ineligible to Be a Debtor Pursuant to 11 U.S.C. § 109(g)(1); (II) Confirming That No Stay is in Effect Pursuant to 11 U.S.C. § 362(c)(4)(A); and (III) Granting Prospective Relief Pursuant to 11 U.S.C. § 362(d)(4)

---

4. A copy of this Order shall be served upon the Debtor, Debtor's counsel and any party requesting notice pursuant to Fed. R. Bankr. P. 2002.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Mike Chery  
Debtor

Case No. 18-23463-JKS  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Aug 15, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 17, 2018.

db +Mike Chery, PO Box 676, Montclair, NJ 07042-0676

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 17, 2018

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 15, 2018 at the address(es) listed below:

Charles G. Wohlrab on behalf of Creditor Wilmington Savings Fund Society, FSB, as Trustee for Upland Mortgage Loan Trust B cwohlab@logs.com, njbankruptcynotifications@logs.com  
Harrison Ross Byck on behalf of Debtor Mike Chery lawfirm@kasuribyck.com, kasuribyck@ecf.courtdrive.com;financial@kasuribyck.com  
Joseph R Zapata, Jr. on behalf of Creditor The Provident Bank jzapata@mkslaw.net  
Marie-Ann Greenberg magecf@magtrustee.com  
Rebecca Ann Solarz on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability Company rsolarz@kmlawgroup.com  
Rebecca Ann Solarz on behalf of Creditor Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
William M.E. Powers, III on behalf of Creditor Deutsche Bank National Trust Company as Trustee for the Holders of New Century Home Equity Loan Trust, Series 2005-A, Asset Backed Pass-Through Certificates ecf@powerskirn.com

TOTAL: 8